

REMARKS

Please enter this amendment and reconsider the above-identified patent application, as amended.

In the final office action dated December 23, 2003, the Examiner rejected claims 13-18 and 22-29 under 35 U.S.C. §103(a) as allegedly obvious over Gautier (US 5,108,448). The Examiner points out several features described by Gautier that allegedly correspond to the present invention, but acknowledges that Gautier does not disclose the shape of the stud. The examiner now argues, in essence, that the shape of the stud, as claimed, would be obvious to one of skill in the art as a matter of obvious design choice.

In the prior action, the Examiner rejected claims 13-18 and 22-28 as allegedly obvious over Burstein, and again indicated that Gautier does not disclose the claimed shapes but that Burstein does disclose the shape. It is respectfully submitted that the examiner could have made the rejection of claims as obvious over Gautier alone in the prior action; nothing indicates that the amendment to claim 13 necessitated the Examiner's new rejection, because Burstein was previously cited as disclosing the shape of the stud; Burstein has now been replaced with an argument that the shape is an obvious matter of design choice. Therefore, the amendment did not necessitate the new ground of rejection, as alleged in the final office action, and withdrawal of the finality of this action is respectfully requested.

In any event, the Examiner cited Burstein not only for disclosing a multifaceted structure, but also for disclosing reasons why one would want to shape the stud in a multi-faceted fashion, i.e., to prevent rotation between the shell and cup and an insert or cup (See Office Action of September 22, 2003, page 3). This directly contradicts the assertion that the shape of

the stud, as claimed, is merely a matter of obvious design choice, since Burstein provides reasons to vary the shape of the stud.

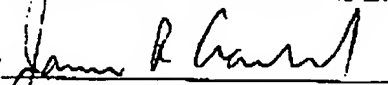
In view of the foregoing, withdrawal of the finality of the action and allowance is respectfully requested.

Any fees due that are not provided herewith may be charged to deposit account no. 50-0624.

Respectfully submitted,

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